

where it clearly should be—on eliminating the deficit rather than on cutting taxes. I have long admired and respected the intelligence and wisdom of Senator DOMENICI. He is a Senator who takes his responsibilities very seriously and who works tirelessly to carry out these responsibilities.

In addition to containing no tax cut, Mr. President, it is also important that cuts in spending in this year's budget resolution be administered fairly and equitably to both entitlement and discretionary spending. As all Senators are aware, the discretionary portion of the budget is under the control of the Appropriations Committees and amounts to just over one-third, or \$549 billion, of the President's 1996 budget. Of the remainder, net interest on the debt will be \$257 billion, or 15.9 percent of the 1996 budget. The other one-half of the budget consists of Social Security—which will equal \$351.4 billion, or 21.8 percent of the 1996 budget—Medicare, Medicaid, and other mandatory and entitlement programs.

If Social Security is taken off the table, and if we pay the interest on the debt, which we must, then we have removed almost 38 percent of the budget from budget cuts. We are told that the budget resolution will also not cut military spending, and, in fact, will propose an increase in military spending over the next 7 years. If this is done, then we will have shielded 54 percent of the budget from cuts, leaving only 46 percent, including other entitlements, to undergo budget-cutting surgery over the next 7 years.

I ask the American people: Is that a fair way to proceed? Is it fair to cut \$500 billion over the next 7 years from domestic discretionary programs, while increasing military spending?

The military consumes \$262.2 billion in outlays in the President's 1996 budget. That amount is almost equal to the \$265.8 billion that is in the budget for all domestic discretionary programs. This includes law enforcement, education, infrastructure spending on highways and transit, environmental cleanup, clean air and water, research and development, medical research, NASA, national parks, the Justice Department, the judiciary, the FBI, and the operations of virtually all agencies and departments in the Federal Government.

If we follow the Republican plan, we will cut all of these domestic discretionary programs by approximately 35 percent by the year 2002, at the same time we increase military spending. Is that fair? It is not only unfair, it is pure folly.

Furthermore, under the Republican budget plan, the elderly will be asked to pay dearly. Medicare will be cut anywhere from \$259-\$333 billion over the next 7 years. We hear that these cuts are not being proposed for deficit reduction but only because Medicare will be broke if we do not fix it soon.

Well, Mr. President, I see no proposal from the Republicans on how they in-

tend to fix the Medicare program. All I see is a cut in Medicare spending totaling \$259 to \$333 billion over the next 7 years. Is it fair to ask for this level of sacrifice from Medicare beneficiaries at the same time military spending will be rising from a starting point of \$262.2 billion over the same 7-year period?

Or, is it fair to cut \$500 billion from domestic spending on education, law enforcement, highways, research, job training, and from student loans, and veteran's medical care while, at the same time, ignoring the subsidies in the Tax Code that total \$453 billion in 1995 and which, as I say, will grow by a total of \$283.9 billion over the next 5 years, 1995 to 1999. In 1999 alone, these tax breaks will total \$568.5 billion, an increase of \$115.5 billion over their 1995 cost.

It is incredible—even beyond belief—that Congress would enact a 7-year, deficit-elimination package that cuts \$500 billion from domestic investments and cuts between \$259 and \$333 billion from Medicare, while it cuts nothing from military spending and while we allow permanent tax breaks to grow by \$283.9 billion! How can we expect the American people to accept this approach to budget balancing? It is not only unfair, it is irrational.

What this amounts to is protecting the special interest groups and the wealthy. They will get to keep their existing tax breaks, and, to make matters worse, they will also get the overwhelming share of the tax cuts already passed by the House, which amount to a \$630 billion drain from the Treasury over the next 10 years.

On a related matter, there has been speculation that the Republican welfare reform package will be included as part of this year's reconciliation measure. If these reports are accurate, this should be a cause of great concern to all Senators and to the American people. I say this not from any partisan perspective. As I stated to the distinguished majority leader in a letter dated March 31, 1995, I agree that welfare reform is certainly necessary. But I have strong reservations about taking up such far-reaching and important legislation as part of a reconciliation measure, upon which very limited debate is allowed.

In my view, the reconciliation process was not intended to allow the adoption of major legislative proposals, such as welfare reform, under conditions where debate is limited. This is not a new position for me. I opposed such a tactic on health care reform last year, when both the then-majority leader and President Clinton urged my support for including health care in last year's reconciliation measure. Major proposals of this kind should be thoroughly and thoughtfully examined by the Members of both parties on this Senate floor in a free and full debate, not under the extremely limited debate that is allowed for reconciliation measures.

I implore the Senate Budget Committee, under the able leadership of its chairman, Senator DOMENICI, and its equally able ranking member, Senator EXON, to carefully consider these very important matters as the committee marks up the 1996 budget resolution.

As I have already stated, I do not believe that the American people deserve, nor will they support, a deficit-elimination package unless its effects are distributed fairly across all segments of the population. I do not believe they will support a continuation of existing tax breaks along with new massive tax cuts for the wealthy, while Medicare beneficiaries are being asked to pony up hundreds of billions of dollars over the next 7 years.

I urge Senators not to attempt to balance the budget on the backs of millions of Americans by savaging their health care benefits, while at the same time enacting hundreds of billions of dollars in new tax breaks which primarily benefit the wealthiest in our society. No amount of hollow rhetoric in a so-called Contract With America can hide the perverted policies being proposed by those who signed this so-called contract which was, after all, fashioned by pollsters for the purpose of gaining political advantage.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

NOMINATION OF DR. HENRY FOSTER

Mr. SPECTER. Mr. President, I have sought recognition to announce my intention to vote to confirm Dr. Henry Foster to be Surgeon General of the United States. I hope that I will have the opportunity to cast that vote, that the nomination will come to the floor of the U.S. Senate, and that preliminary proceedings will be cleared so that there will a vote up or down on whether Dr. Henry Foster should become the next Surgeon General of the United States.

When Dr. Foster's name was forwarded to the Senate by the President in early February, I was a little dismayed to hear the cry arise that he should be disqualified because he had performed abortions. I was surprised to hear that cry arise because abortions are a legal medical procedure under the Constitution of the United States. This is not a matter of *Roe v. Wade*, the decision handed down in 1973. This is reaffirmed by the Supreme Court of the United States in *Casey v. Planned Parenthood* in 1992, an opinion written by

three Justices—Justice Souter, Justice O'Connor, and Justice Anthony Kennedy, all nominated by Republican Presidents.

So it seemed to me curious, to say the least, that there should be a call for his defeat because he had performed abortions, a medical procedure authorized by the Constitution of the United States.

Then issues were cited about character, about what representations Dr. Foster had made as to how many abortions he had performed. It then came to light that there had been an indication from the White House about some misinformation. Then other issues arose in a variety of contexts.

I believe that the hearings last week have laid all of those issues to rest. Dr. Foster was a compelling witness, a forceful witness on his own behalf and he answered all of the outstanding questions, so that there is no doubt about his good character or about his excellent service as a physician, or about his care for the poor and downtrodden, and about his excellent work as a doctor over many years.

I had occasion to meet personally with Dr. Foster and discuss at some length his own background and the issues which had been raised about him. It seemed to me at that time at that meeting, which was in early February, that his nomination certainly ought to go forward. I did not state at that time support for his nomination because it seemed appropriate to me that we await the hearings by the committee to see what would occur at that time. After reviewing the hearings and what occurred at the hearings, today I am confident that Dr. Foster ought to be confirmed as Surgeon General of the United States and, therefore, announce my intention to vote for him.

I was encouraged to see the media reports that our distinguished majority leader will meet with Dr. Foster, and I am hopeful that that meeting will produce a result that Dr. Foster's nomination will come to the floor.

I note the comments of the distinguished chairman of the committee, Senator KASSEBAUM, that Dr. Foster's nomination ought to come to the floor and ought to be voted upon, although I do not believe at this stage that Senator KASSEBAUM has stated whether her intention is to vote "aye" or "nay" on the nomination itself.

I am hopeful that there will not be a filibuster, as has been mentioned, on Dr. Foster. Any Senator has the right to handle that in any way that any Senator pleases, and any Senator has a right, as I now express my right to say that I hope that we will not be confronted by a filibuster.

But if we are, Mr. President, it is my sense of the Senate—and this is only one Senator speaking—that a filibuster will be defeated and that even Senators who think that Dr. Foster ought not to be confirmed as Surgeon General of the United States will not support a filibuster; that as a matter of fairness to

Dr. Foster, he ought to get his day in court, his day in the Senate for a "yes" or "no" vote; and that he ought not to have been railroaded out of town, as some have suggested, even without a hearing before the committee; and that he ought not to be railroaded out of town without the matter coming to the floor of the U.S. Senate; and that he ought not to be railroaded, or have his fate decided, without having the Senators vote "yes" or "no" on his confirmation.

So I am pleased to be in a position today, Mr. President, to say what I sensed when I met with Dr. Foster in early February, that he is truly a man who merits being confirmed as Surgeon General of the United States.

I think that it is time that we put to rest the issue of what is the law of the land of the United States of America with respect to a woman's right to choose. I personally am very much opposed to abortion, but I do not believe that it is a matter that can be controlled by the Government. I believe it is a matter for the woman's choice, it is a matter for the family, it is a matter for priests, rabbis, and ministers, and it is not to be determined by the Government of the United States. When we have decisions of the Supreme Court separated from 1992 back to 1973 and the law of the land stated in *Casey v. Planned Parenthood*, a decision written by three Justices for a majority of the Court, Justices appointed by Presidents Reagan and Bush, that that is the law of the land, we ought not to reject a nominee because he is performing medical procedures which are authorized by the Constitution.

I think it is time that the Senate of the United States faced up to that proposition squarely. I hope it will be done by having the nomination reported to the Senate floor and by having an up-or-down vote. I intend to vote "aye," and it is my prediction that Dr. Foster will be confirmed.

I thank the Chair and yield the floor. Mrs. FEINSTEIN addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California is recognized to speak up to 15 minutes.

A LOOK BACK AND A LOOK FORWARD

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, today, May 8, is V-E Day, which stands for Victory in Europe, and it marks the end of one front of the most disastrous event in modern human history.

The war in Europe was one in which 50 million civilians and military personnel alike died. It was not only a war, but a major crime against humanity.

Two out of three Jews in Europe were scientifically exterminated—a total of 6 million—along with 5 million other victims. In the Soviet Union, 27 million

people lost their lives. I visited Lenin-grad where you see 25,000 people in one mass grave, and these are plot after plot after plot. No country lost as much as did the people of the former Soviet Union.

The war spread death across six of the seven continents and all over the world's oceans. In the end, much of the heart of Western civilization lay in ruins.

Sixteen million one hundred twelve thousand Americans served in the U.S. Armed Forces during World War II, and they knew the ravages of war. Of these, more than 1 million were Californians; 408,000 Americans never came home. To these Californians and these Americans, I want to say you have my deepest respect, and I know I join with all of my Senate colleagues in saying thank you.

For me, I was one of the lucky ones: I was 11 years old, a girl, living in a flat in the Marina District of San Francisco. I remember the blackout shades, the submarine nets under the Golden Gate Bridge, troops shipping out from Fort Mason 6 blocks from my home and the Nike gun emplacements on the marina headlands and in the Presidio. As a lucky one in the land of the free and the home of the brave, for me there was no Auschwitz or Bergen-Belsen.

V-E Day represents a victory over fascism, paranoia and the most devastating war in history, all sparked and guided by one man. Probably the most infamous demagog the world has ever seen, Hitler was described by one of his early associates, Otto Streser, as a speaker "who touches each private wound on the raw, liberating the unconscious, exposing its innermost aspirations, telling it most what it wants to hear."

Jews and Slavs were referred to as "untermenschen," subhumans. Moscow, Leningrad, and Warsaw were hard hit, their industries left in ruins.

In "Mein Kampf," Hitler described what history has shown to be correct. He said:

The masses more readily fall victim to the big lie than the small lie, since they themselves often tell small lies * * * it would never come into their heads to fabricate colossal untruths, and they would not believe that others have the impudence to distort the truth so infamously.

Millions, indeed, did fall victim to the big lie. Fanatical in his quest for personal power, Hitler withdrew Germany from the League of Nations, proclaiming that the European powers will "never act * * * they'll just protest * * * and they will always be too late."

In fact, the West's hesitance in the face of this evil has sullied the word "appeasement" for all time.

By 1943, Hitler held the power of life and death over 80 million Germans and more than twice that number of vanquished people.

After Hitler took his own life on April 30, 1945, and the end of the war